

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LAURIE L. SHIFFLETT,

Plaintiff,

v.

CIVIL ACTION NO. 1:08CV136
(Judge Keeley)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION/OPINION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on July 8, 2008, the Court referred this Social Security action to United States Magistrate John S. Kaull with directions to submit proposed findings of fact and a recommendation for disposition. On May 28, 2009 Magistrate Judge Kaull filed his Report and Recommendation/Opinion ("R&R"). In accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., he directed the parties to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the R&R, and further advised them that failure to file objections would result in a

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waiver of their right to appeal from the judgment of this Court. The parties have not filed any objections.

Upon consideration of the Magistrate Judge's recommendation, and having received no written objections,¹ the Court accepts and approves the Report and Recommendation, and, therefore,

ORDERS that Magistrate Judge Kaull's Report and Recommendation/Opinion be, and it is, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, the Court

1. **GRANTS** the Commissioner's motion for Summary Judgment (dkt. no. 11);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 10); and
3. **DISMISSES WITH PREJUDICE** this civil action from the docket of this Court.

¹ Shifflett's failure to object to the Report and Recommendation not only waives her appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

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Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: June 17, 2009.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE